

**CITY OF COPPERAS COVE
CITY COUNCIL REGULAR MEETING MINUTES
MARCH 16, 2004 - 7:00 P.M.**

A. CALL TO ORDER

Mayor, Bradi Diaz called the regular meeting of the City Council of the City of Copperas Cove Texas to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Gallen gave the Invocation, and led the Pledge of Allegiance.

C. ROLL CALL

ALSO PRESENT

Bob Reeves (excused absence)
Ray Don Clayton
John Gallen
Charlotte Heinze (excused absence)
Fred Harris (excused absence)
Bud Owsley
Annabelle Smith

Steven J. Alexander, City Manager
Pamela J. Russell, City Secretary
James R. Thompson, City Attorney

D. ANNOUNCEMENTS

Council Member Smith

- Come out and celebrate Copperas Cove 125th Birthday party on Saturday March 27th. There will be a free street dance, and entertainment all day. Everyone is invited.

Council Member Gallen

- There will be a "Ribbon Cutting Ceremony" at the YMCA for the skateboard park on Wednesday March 17, 2004. Please come and join us!

Mayor Diaz

- A drawing to determine the order in which the names of the candidates are to be printed on the ballot for the General Election to be held on May 15, 2004, in Copperas Cove will be held at 9 a.m. on Wednesday, March 17, 2004 here at City Hall.

E. PUBLIC RECOGNITION

1. City Employee Retirement Recognition – Mr. Richard Odermann, Parks and Recreation Department. **Mayor, Bradi D. Diaz**

Mayor Diaz presented a framed artwork to Mr. Odermann and stated: In February of 1983, Richard Oderman began his employment with the City of Copperas Cove as a Parks Laborer, becoming a supervisor in 1988. This past December, after 20 years of service with the City, Richard elected to retire.

His dedication and hard work have been an asset to the City. During several years of Richard's employment with the Parks and Recreation Department, he maintained the Municipal Cemetery and took great pride in the appearance of the grounds. At this time, we would like to show our appreciation for all his hard work by presenting him with this recognition. Mr. Odermann thanked Mayor Diaz.

2. Air Force Volunteers Recognition. **Linda B. Tyler, Director of Community Services**

Linda Tyler, Director of Community Services, gave thanks to all of the civic groups that volunteer within our community. Ms. Tyler stated that she wanted to publicly recognize a group of Air Force personnel stationed at West Fort Hood. This group painted bleachers and score stands, and they weed-eated the ball fields. Ms. Tyler presented certificates of recognition to SSG Jessica Boyle, who accepted the certificates on behalf of the Air Force personnel. SSG Boyle said it was a great feeling to give back to a community that gave so much to them.

3. Proclamation – Boys and Girl's Club Week. **Mayor, Bradi D. Diaz**

Mayor Diaz read the proclamation and presented it to James Stockman, Chairman, Board of the Boys and Girls Club. Jon Charles, Boys and Girls Club, Executive Director, gave thanks to the City Council for their support and gave thanks to the kids that participate at the Boys and Girls Club.

F. **CITIZENS' FORUM** citizens are allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

Coley Howell, 1101 Rhonda Lee Street. Mr. Howell read a letter addressed to the Mayor, City Council and City Manager from the Senior Travelers. The Letter gave much praise to Jan Murphy, Parks and Recreation Department staff member for her organization and enthusiasm on the trip to Florida.

G. **CONSENT ITEMS**

1. Consideration and action on approval of minutes from March 2, 2004 Regular City Council Meeting. **Pamela J. Russell, City Secretary**

2. Consideration and action on Resolution No. 2004-07 authorizing and supporting the submission of a grant application to the U.S. Department of Homeland Security through the U.S. Fire Administration, in the amount up to \$500,000 for a new Fire Vehicle and authorizing the Grants Administrator/Budget Analyst to apply for funding and to act on behalf of the City in other matters related to the application. **Dennis Haas, Fire Chief**

The Resolution caption reads as follows:

RESOLUTION NO. 2004-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AUTHORIZING THE GRANTS ADMINISTRATOR/ BUDGET ANALYST TO ACT ON BEHALF OF THE CITY OF COPPERAS COVE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT, IF A GRANT IS RECEIVED, THE CITY OF COPPERAS COVE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

3. Consideration and action on Resolution No. 2004-08 authorizing and supporting the submission of a grant application to AED.com to fund up to two (2) automated external defibrillation (AED) devices, authorizing the Grants Administrator/Budget Analyst to apply for funding and act on behalf of the City in all matters related to the application. ***Dennis Haas, Fire Chief***

The Resolution caption reads as follows:

RESOLUTION NO. 2004-08

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO AED.COM FOR POSSIBLE FUNDING OF UP TO TWO AUTOMATED EXTERNAL DEFIBRILLATING (AED) DEVICES FOR USE IN THE CITY OF COPPERAS COVE, AND ALL OTHER ACTIONS NECESSARY TO SECURE FUNDING FOR SAID AED DEVICES.

4. Consideration and action on Resolution No. 2004-09 authorizing and supporting the submission of a grant application through the Office of Rural Community Affairs to fund one (1) automated external defibrillation (AED) device, authorizing the Grants Administrator/Budget Analyst to apply for funding and act on behalf of the City in all matters related to the application. ***Dennis Haas, Fire Chief***

The Resolution caption reads as follows:

RESOLUTION NO. 2004-09

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR POSSIBLE FUNDING OF AUTOMATED EXTERNAL DEFIBRILLATING (AED) DEVICES FOR USE IN THE CITY OF COPPERAS COVE, AND ALL OTHER ACTIONS NECESSARY TO SECURE FUNDING FOR SAID AED DEVICES.

5. Consideration and action on authorizing the award of Bid No. 2004-06-53, 2004 Street HMA Overlay Project, and authorizing the City Manager to execute a contract in the amount of \$ 75,360.41 with Wheeler Coatings Asphalt. ***Paul Boyer, PE, City Engineer***

6. Consideration and action on authorizing the award of Bid No. 2004-05-53, 2004 Street Seal Coating Project, and authorizing the City Manager to execute a contract in the amount of \$ 163,425.00 with Big Tex Paving, Inc. **Paul Boyer, PE, City Engineer**

Council Member Owsley requested consent items 5 and 6 to be removed from the consent agenda to allow for discussions.

Council Member Gallen made a motion to approve consent items 1, 2, 3, and 4. Council Member Smith seconded the motion, and with a unanimous vote, motion carried.

5. Consideration and action on authorizing the award of Bid No. 2004-06-53, 2004 Street HMAC Overlay Project, and authorizing the City Manager to execute a contract in the amount of \$ 75,360.41 with Wheeler Coatings Asphalt. **Paul Boyer, PE, City Engineer**

Council Member Gallen made a motion to approve Consent item # 5. Council Member Smith seconded the motion.

Council Member Owsley stated that over the past three years the City has suffered problems with street repairs, and wanted assurance that we get our money's worth, and if we do not, we can hold the people responsible and accountable for the work they have done. Steven Alexander, City Manager stated the asphalt overlay works well, but unfortunately the City does not have adequate funding to repair all the streets with overlay. Seal coating is not the ideal way, but it is a less expensive way to maintain streets. The companies that are performing this work are doing the job right, and are compiling with specifications. Paul Boyer, City Engineer said that some of the problems had been a result of drainage and ground water issues. Steven Alexander, City Manager said he would commit to bringing back a presentation to the City Council in a workshop after the work is completed.

With a unanimous vote, motion carried.

6. Consideration and action on authorizing the award of Bid No. 2004-05-53, 2004 Street Seal Coating Project, and authorizing the City Manager to execute a contract in the amount of \$ 163,425.00 with Big Tex Paving, Inc. **Paul Boyer, PE, City Engineer**

Council Member Owsley made a motion to approve consent item G-6. Council Member Clayton seconded the motion. With a unanimous vote, motion carried.

H. PUBLIC HEARINGS/ACTION

1a. Public hearing on acceptance of a final plat for Skyline Valley, Phase Three, submitted by Bellpas, Inc. **David Lilley, City Planner/CBO**

David Lilley, City Planner/CBO stated: The City's Subdivision Regulations provide for the physical development of land both within the city limits and within the extraterritorial jurisdiction (ETJ) area. The preliminary plat for this subdivision was submitted and approved in February of 2003. This project had been held up due to water issues that

have been recently resolved. Bellpas, Inc. is requesting approval of the final plat of Skyline Valley Subdivision, Phase Three. This subdivision contains 15.27 acres divided into 9 residential lots which front Big Divide Road north of Colorado Drive. If approved, this plat will provide the final step to link Big Divide Road with Grimes Crossing. The final plat was presented to the Planning and Zoning Commission at the March 1, 2004 meeting. The Commissioners voted to recommend approval by a vote of 5-0.

Mayor Diaz opened the Public Hearing.

Speaking For: Mike Kreigle - Mitchell and Associates

Speaking Against: None.

Mayor Diaz closed the Public Hearing.

1b. Consideration and action on acceptance of a final plat for Skyline Valley, Phase Three, submitted by Bellpas, Inc. **David Lilley, City Planner/CBO**

Council Member Clayton made a motion to approve agenda item H-1b. Council Member Gallen seconded the motion, and with a unanimous vote, motion carried.

2a. Public hearing on acceptance of the final plat for Skyline Valley, Phase Four, submitted by Bellpas, Inc. **David Lilley, City Planner/CBO**

David Lilley City Planner/CBO stated: The City's Subdivision Regulations provide for the physical development of land both within the city limits and within the extraterritorial jurisdiction (ETJ) area. The preliminary plat for this subdivision was submitted and approved in February of 2003. This project had been held up due to water issues that have been recently resolved. Bellpas, Inc. is requesting approval of the final plat of Skyline Valley Subdivision, Phase Four. At present, the subdivision is in the ETJ, but will be annexed soon at the request of Bellpas, Inc. The subdivision has 7 residential lots located on 5.3 acres that front on the south side of Grimes Crossing starting at Big Divide Road. The final plat was presented at the Planning and Zoning Commission's meeting on March 1, 2004. The Commissioners voted to recommend approval by a vote of 5-0.

Mayor Diaz opened the Public Hearing.

Speaking For: Mike Kreigle - Mitchell and Associates

Speaking Against: None.

Mayor Diaz closed the Public Hearing.

2b. Consideration and action on acceptance of the final plat for Skyline Valley, Phase Four, submitted by Bellpas, Inc. **David Lilley, City Planner/CBO**

Council Member Gallen made a motion to approve agenda item H-2b. Council Member Smith seconded the motion, and with unanimous vote, motion carried.

3a. Public Hearing on Ordinance No. 2004-12 establishing a curfew for minors, Article I, Section 13-3 of the City's Code of Ordinances; providing for a hearing; providing a savings clause; providing a severability clause; and declaring an effective date. **James R. Thompson, City Attorney**

Mayor Diaz opened the Public Hearing.

Speaking For: Timothy Molnes, Police Chief
Jim Thompson, City Attorney

Speaking Against: None.

Mayor Diaz: closed the Public Hearing.

3b. Consideration and action on Ordinance No. 2004-12, establishing a curfew for minors, Article I, Section 13-3 of the City's Code of Ordinances; providing for a hearing; providing a savings clause; providing a severability clause; and declaring an effective date. **James R. Thompson, City Attorney**

Council Member Smith made a motion to approve Ordinance No. 2004-12. Council Member Owsley seconded the motion, and with unanimous vote, motion carried.

The Ordinance caption reads as follows:

ORDINANCE NO. 2004-12

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS, ARTICLE I CHAPTER 13-3 OF THE CITY'S CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

I. ACTION ITEMS

1. Consideration and action on approval of Resolution No. 2004-10 opposing any school finance or tax system reforms that would negatively affect city revenues and economic development efforts. **Robert Camareno, Assistant City Manager/Director of Finance**

Council Member Gallen made a motion to approve Resolution No. 2004-10. Council Member Smith seconded the motion. Steven Alexander, city Manager stated: The Texas Municipal League (TML) has been notifying and educating cities on options proposed for school finance reform. Unfortunately, these options could have a negative impact on cities. Thus, the Texas Municipal League prepared a draft resolution opposing school finance or tax reform proposals that negatively impact cities. Staff has used the draft resolution to prepare the resolution being considered. It is likely that the Texas Legislature will address school finance and tax system reforms in the near future. During these deliberations by the Texas Legislature, proposals to limit the ability of cities to collect property taxes and sales taxes are likely to be offered by some members of the Legislature. Resolution No. 2004-10 opposes all school finance or tax reform efforts by the Texas Legislature that negatively impact the ability of the City to provide basic essential services, conduct economic development activities, and ensure public safety

by limiting our ability, beyond the provisions of current law, to collect property tax or sales tax revenues. The resolution highlights numerous reasons to oppose limitations on the ability of cities to levy property taxes and collect sales taxes. Additionally, the resolution lists negative consequences that would result from any limitation on our cities' abilities to generate sufficient tax revenue. School finance reform can occur without negatively impacting cities and their citizens if the legislation:

1. Does not reduce city sales tax revenue;
2. Does not affect the current authority of cities to generate property tax revenue;
3. Does not affect municipal economic development authority.

Mayor Diaz said the City Manager and herself had recently met with State representatives to discuss this issue.

With a unanimous vote, motion carried.

The Resolution caption reads as follows:

RESOLUTION NO. 2004-10

A RESOLUTION OF THE CITY OF COPPERAS COVE, TEXAS, OPPOSING ANY SCHOOL FINANCE OR TAX SYSTEM REFORMS THAT WOULD NEGATIVELY AFFECT CITY REVENUES AND ECONOMIC DEVELOPMENT EFFORTS

J. STAFF REPORTS

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| 1. Police Department Annual Report for calendar year 2003. <i>Timothy Molnes, Police Chief</i> |
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Mayor Diaz announced this item had been pulled from the agenda.

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| 2. Update on the Skate Park. <i>Linda Tyler, Director of Community Services</i> |
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Linda Tyler, Director of Community Services, said the Skate Park has been made possible through the efforts of both groups: the City and YMCA. The City has purchased 11 pieces of skate park apparatus. Linda Tyler invited everyone to attend the Ribbon Cutting at the YMCA at Noon on Wednesday.

K. REPORTS OF ADVISORY COMMITTEES AND BOARDS – None.

L. ITEMS FOR FUTURE AGENDAS

M. EXECUTIVE SESSION - None.

N. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

O. ADJOURNMENT

There being no further business, Mayor Diaz stated the meeting was adjourned at 7:50 p.m.

Bradi D. Diaz, Mayor

ATTEST:

Pamela J. Russell, TRMC, City Secretary